

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR413-110
	)	
MARKUS ANDREW BROWN,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On September 10, 2020, the United States Probation Office moved to revoke Markus Andrew Brown’s supervised release. Doc. 35. At his initial appearance on August 17, 2023, the Court granted Defendant’s oral motion for a mental health evaluation. Doc. 51; *see also* doc. 57. A report has been submitted in compliance with that Order by medical staff at the Federal Detention Center in Englewood, Colorado. Doc. 61.

After evaluating Brown, his examiner concluded that he “will likely not be able to display adequate factual or rational understanding of issues related to his case or assist in his defense.” *See* doc. 61 at 10; *see also* doc. 62 at 1. The parties have stipulated that they do not dispute the examiner’s conclusion. Doc. 62. The parties also agree that Defendant should “be committed to a federal medical center for

treatment for restoration to competency . . . .” *Id.* at 1, doc. 61 at 10; *see also* 18 U.S.C. § 4241(d)(1).

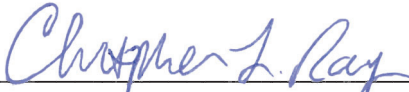
Given the agreement of counsel for Defendant and the Government, and the examining psychologist’s recommendation, the Court should find that the evidence preponderates that defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and competency restoration procedures are, therefore, appropriate. 18 U.S.C. § 4241(d). It is **RECOMMENDED** that the defendant be committed to the custody of the Attorney General, who should be **DIRECTED** to hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future, he will attain the capacity to permit the revocation proceedings to proceed. 18 U.S.C. § 4241(d)(1); *see United States v. Donofrio*, 896 F.2d 1301, 1303 (11th Cir. 1990).

This R&R is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*,

648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

**SO ORDERED AND REPORTED AND RECOMMENDED** this  
20th day of December, 2023.

  
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CHRISTOPHER L. RAY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA